IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6462 of 2003

Between:

1. The Director of Treasuries and Accounts,

Insurance Building, Tilak Road,

Abids Hyderabad.

2. The Chief Accounts Officer,

O/o.The Government Central Press,

Hyderabad.

.. PETITIONERS

And

Sri Mohamood Hussain s/o.Afzaluddin,

Aged about 59 years, Retired as Superintendent,

O/o. The Commissioner of Agriculture,

Andhra Pradesh, Hyderabad,

R/o.H.No.21-3-402/1, Petta Burj,

Hyderabad-500002.

.. RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a writ, particularly one in the nature of a writ of certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal dated 22-2-2002 in O.A.No.7765/99 and to quash the same.

Counsel for the Petitioners: GP FOR SERVICES II

Counsel for the Respondent: SMT.G.VIJAYA LAKSHMI

The Court made the following :

ORDER: (per Hon'ble Sri Justice G.Bikshapathy)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal in O.A.No.7765/99, dated 22-2-2002.

2. The matter relates to grant of Selection Grade Scale to the respondent herein on the basis of Selection Grade Scale granted to his juniors. It is stated that the respondent herein and one M.Sathaiah were granted stepping up of Pay by proceedings dated 6-8-1985 on par with their juniors i.e., Taharulla Hussain and Khaja Ghousuddin, in terms of G.O.Ms.No.190, F & P, dated 10-6-1983. However, since the orders issued in favour of the said juniors of the respondent

herein were found to be irregular and not in accordance with the Rules, the same were cancelled by the Government in Memo No.23979/F/841/Adm.I/87, dated 22-12-1989. Consequently, the orders issued stepping up the Pay in respect of the respondent herein and the said M.Sathaiah also were cancelled by the Chief Accounts Officer, Government Central Press, Hyderabad, the 2nd petitioner herein, in Memo No.A(1)/ACCTS/301/97, dated 19-2-2000. The respondent herein and the said M.Sathaiah challenged the said order of cancellation of stepping up of their Pay in O.A.No.7765/99 and O.A.No.7759/99 respectively, before the A.P. Administrative Tribunal. The said O.As. came to be allowed by the Tribunal by the order dated 22-2-2002. Hence, the present Writ Petition is filed by the Government against the order of the A.P. Administrative Tribunal in O.A.No.7765/99, dated 22-2-2002.

3. The learned Government Pleader for Services-II submits that in respect of the juniors of the respondent herein i.e., Taharulla Hussain and Khaja Ghousuddin, on par with whom the respondent herein claimed stepping up of Pay, their stepping up of the Pay was cancelled and out of them, it is reported one person i.e., Taharulla Hussain already died and in respect of another person, i.e., Khaja Ghousuddin, O.A.No.3449/97 is pending before the Tribunal and therefore the impugned order of the Tribunal is liable to be set-aside.

4. We have heard the learned Counsel for the respondent also.

5. The Tribunal has recorded reasons for allowing O.A.No.7765/99 against which the present Writ Petition has been filed, at para-8 of the impugned order wherein the Tribunal observed that it is not concerned with the issue relating to the eligibility or otherwise of the juniors of the respondent herein i.e., Khaja Ghousuddin and Syed Taharulla Hussain, for Selection Grade scale of Pay on par with whom the respondent herein is claiming stepping of his Pay. The Tribunal further observed that it is not in dispute that the respondent herein and M.Sathaiah, the applicant in O.A.No.7759/99, are seniors to the said Khaja Ghousuddin and Syed Taharulla Hussain. Further, according to the decision of the Tribunal in O.A.No.504/94, dated 2-8-1996 Taharulla Hussain is entitled for Selection Grade Pay scale and the review petition filed by the Government against that order was also dismissed on 27-1-1999 and therefore the order of the Tribunal in so far as eligibility of Syed Taharulla Hussain for Selection Grade scale is concerned, the same has become final. The Tribunal also further observed that when the junior of the respondent herein is given Selection Grade Scale of Pay under G.O.Ms.No.190, F & P, dated 10-6-1983, the respondent herein who is senior to the said person and on par with whom he claimed the stepping up of the Pay, is eligible for stepping up of Pay. Under these circumstances, we do not find any illegality in the order passed by the A.P. Administrative

Tribunal in O.A.No.7765/99 dated 22-2-2002.

6. Accordingly, we dismiss the Writ Petition. No order as to costs.

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Justice G.Bikshapathy

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Justice P.S.Narayana

Date : 28-12-2004

ASSISTANT REGISTRAR

AM

To

1. The Director of Treasuries and Accounts,

Insurance Building, Tilak Road,

Abids Hyderabad.

2. The Chief Accounts Officer,

O/o.The Government Central Press,

Hyderabad.

3. The Registrar, A.P. Administrative Tribunal, Hyderabad.

4. 2CCs to Government Pleader for Services-II,

High Court of A.P.

High court Buildings,

Hyderabad. (OUT)

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